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09/280,421	03/29/1999	M. IBRAHIM SEZAN	KLR:7146.028	5722

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EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 12/23/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/280,421

Applicant(s)

SEZAN ET AL.

Examiner

Reuben M. Brown

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-117 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-117 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 31-34, 36-37, 41, 44-45, 48, 54, 58-62, 64-65, 69, 72-73, 76, 82, 86-90, 92-93, 97, 100-101, 104, 110 & 114 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoddie, (U.S. Pat # 5,727,141).

Considering claims 31, 59 & 87, the claimed system or method for presenting information and method for creating an image file is met by the disclosure of Hoddie. In particular, the claimed unitary file containing an image and additional data associated with the image is met by movie file shown in Fig. 2, which includes a video track 205, audio track 210 and container track 215, col. 6, lines 59-67.

The claimed selection mechanism that permits the selection of objects in the image in order to retrieve the additional information, and a presentation mechanism that provides the

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additional information to the viewer in response to selecting the object is met by Hoddie, col. 1, lines 41-64; col. 2, lines 22-42 & col. 17, lines 29-31.

Considering claims 32, 60 & 88, see Fig. 2.

Considering claims 33-34, 61-62 & 89-90, the separation of the image and the additional information reads on the disclosure that video data is in the video track 205 and the additional information is in the container track 215.

Considering claims 36-37, 64-65 & 92-93, col. 9, lines 11-30 meets the claimed feature of a first layer of additional information describing the location of objects within an image. As for the further claimed feature of a second layer containing the additional information regarding the objects, Hoddie is directed to viewers receiving additional information upon selection of hot buttons. Thus the reference reads on the claimed subject matter.

Regarding the recitation of the first layer containing fewer bytes than the second layer, Hoddie discloses that the additional information may for example be a menu driven help routine with multiple headings and pages, col. 1, lines 41-51. Therefore it follows that the location information defining a hot button would not require as many bytes as a multiple page help menu.

Considering claims 41, 69 & 97, see Hoddie col. 9, lines 11-16.

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Considering claims 44-45, 72-73 & 100-101, Hoddie teaches a more detailed definition of the object, which would inherently contain more bytes than the first definition, since it includes more data points; see col. 9, lines 16-21.

Considering claims 48, 76 & 104, the claimed textual annotations read on the help menu, col. 1, lines 41-51 & col. 17, lines 29-32.

Considering claims 54, 82 & 110, Hoddie discusses overlaying images, col. 11, lines 22-45.

Considering claims 58, 86 & 114, the recitation of information regarding how an image should be viewed is broad enough to read on different shapes of a button, such rectangular, square or circle, col. 5, lines 1-15.

*Claim Rejections – 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 35, 38-40, 42-43, 46-47, 49-53, 55-57, 63, 66-68, 70-71, 74-75, 77-81, 83-85, 91, 94-96, 98-99, 102-103, 105-109, 111-113 & 115-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoddie.

Considering claims 35, 63 & 91, Hoddie does not discuss the use of JPEG images.

Official Notice is taken that at the time the invention was made, JPEG was well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Hoddie using JPEG images at least for the desirable benefit of a more standard image display format, thereby being operable in more display systems.

Considering claims 38-40, 42-43, 66-68, 70-71, 94-96 & 98-99, Official Notice is taken that at the time the invention was made, it was known in the art to provide a wide range of parameters regarding objects to be displayed. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Hoddie in a manner wherein

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particular parameters related to objects to be displayed are stored in the system, at least for the known benefit of more efficiently processing the objects.

Considering claims 46-47, 49-51, 74-75, 77-79, 102-103 & 105-107, Hoddie does not discuss the use of sound files, HTML pages, JAVA or color histograms, Official Notice is taken that at the time the invention was made, it was well known to associate sound, HTML, JAVA and color with multimedia files. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hoddie with the well features of sound, HTML, JAVA and color at least for the desirable advantage of a more user friendly and efficient interactive system.

Considering claims 52-53, 80-81 & 108-109, Official Notice is taken that at the time the invention was made, it was well known to maintain parameters regarding the specifics of a particular image capture procedure, and optimal image reproduction values. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hoddie to include image capture parameters and optimal reproduction values, at least for the improvement of a more aesthetically pleasing image display.

Considering claims 55-57, 83-85 & 111-113, Official Notice is taken that at the time the invention was made, maintaining the authorship & copyright status of documents, particularly those used by the general public, was well known. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Hoddie to maintain the

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authorship & copyright status of images being used in the system, at least for the desirable purpose of avoiding any potential licensing issues.

Considering claims 115-117, Hoddie does not discuss the transmission of data between computer systems. Official Notice is taken that at the time the invention was made, computer-to-computer transmission was very well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Hoddie transmitting the video and data files between computers, including upon request, at least for the desirable advantage of providing the material to wider audience of users.

5. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klappert, (U.S. Pat # 6,256,785), in view of Throckmorton, (U.S. Pat # 5,818,441).

Considering claim 1, the claimed method for associating additional information with a video including a plurality of frames; comprising identifying at least one of the frames, providing a descriptive stream including the additional information in the descriptive stream related to the at least one frame is met by the disclosure of Klappert, which teaches that X-Y protocol data is used to provide a linkage between primary video content and additional data; see Abstract; col. 8, lines 1-35. Furthermore, Klappert discloses that the information defining an interactive hot-spot needs to be updated because its position on the screen may change from frame to frame,



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thereby teaching that the additional information given with respect to specific frames; see col. 5, lines 1-5.

As for the recitation of the descriptive stream being separate from the video, Klappert only explicitly teaches interleaving the private X-Y protocol data with event data, in MPEG streams, col. 6, lines 31-40. Throckmorton is in the same field of endeavor as Klappert, i.e., synchronizing associated content with primary video content. Throckmorton discloses that the associated data may be delivered over a transmission medium different from the primary video stream; see col. 4, lines 12-20 & col. 5, lines 25-37. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Klappert, as taught by Throckmorton to transmit associated content separately from video content at least for the known desirable purpose of conserving bandwidth for the video content.

The further claimed features of providing the video and selectively providing the additional information to a viewer approximately at the time of providing the video is met by Klappert (col. 4, lines 41-67) & Throckmorton, (col. 4, lines 57-61 & col. 8, lines 1-15).

Considering claim claims 2, 7, 16 & 28, Throckmorton, col. 1, lines 21-40; col. 3, lines 55-67 & col. 5, lines 32-35 meets the claimed subject matter.

Considering claim 3, the descriptive information in Klappert, i.e., protocol data, identifies objects within a frame, col. 4, lines 42-55 & col. 8, lines 1-30.

Considering claim 4, the hot-spots in Klappert may be related to a plurality of frames.

Considering claim 5, the frames in Klappert are time sequential, col. 5, lines 41-52.

Considering claim 6, the recited non-sequential frame reads on Klappert, col. 10, lines 39-58.

Considering claim 8, the claimed index reads on Klappert (col. 8, lines 6-32) & Throckmorton (col. 4, lines 52-65).

Considering claim 9, both references teaches that associated data may include web pages, which were known include copyright information.

Considering claim 10, see Throckmorton col. 4, lines 15-20.

Considering claim 11, Throckmorton teaches that the primary video data does not need the associated data in order to function properly, col. 3, lines 50-62.

Considering claim 12, Klappert teaches the use of MPEG-2 video broadcasts, col. 8, lines 6-10.

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Considering claim 13, the references do not discuss providing additional information on a remote control. Official Notice is taken that at the time the invention was made, it was known in the art to provide subscribers with additional information via an LCD type display on a remote control. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Klappert to provide messages on a remote control, at least for the desirable improvement of ensuring that the viewer is informed of interactive options.

Considering claim 14, Official Notice is taken that at the time the invention was made, providing subscribers with an audible tone to indicate a message is available was old in the art, particularly being used in when receiving emergency broadcast information. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Klappert with the well known technique of an audible tone to indicate reception of information, at least for the known benefit of informing the subscriber, even when the instant subscriber is not actually looking at the TV screen.

Considering claim 15, the claimed visual indication of a hot-spot is included in Klappert. See Fig. 3; Fig. 4 & col. 5, lines 6-10.

Considering claims 17 & 29, the associated data in Klappert may include video, which also includes audio.

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Considering claims 18 & 30, Klappert discusses how the hot-spot changes as the video progresses, which reads on a motion model, col. 5, lines 1-6.

Considering claim 19, the claimed subject matter reads on Klappert, since the reference does not use upstream signaling to change video streams, all of the changes are to programming within the downstream video data, col. 6, lines 31-41.

Considering claim 20, the claimed program instructions read on the X-Y protocol data discussed in Klappert.

Considering claim 21, the claimed elements of a video system corresponds with subject matter mentioned above in the rejection of claim 1, and are likewise treated. Both Klappert (Fig. 1) and Throckmorton (col. 4, lines 21-65) disclose the claimed encoder and receiver.

The additionally claimed trigger mechanism reads on the Real time trigger 76 of Throckmorton.

Considering claims 22-23, see Throckmorton col. 4, lines 12-50.

Considering claims 24-25, the claimed subject matter reads on the user in Klappert interactively selecting a hot-spot using a remote control, which is what the reference is directed.

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Considering claims 26-27, the recited feature correspond with subject matter mentioned above in the analysis of claims 3, 19 & 20, and are thus likewise treated.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Kikinis Teaches transmitting associated data, such as web pages along with primary video content.

B) Watts Transmission of primary video content & subsidiary data content, such that the subsidiary data content is independent of the primary video content; see Abstract.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
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**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**Or:**

(703) 746-6861 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.  
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the  
organization where this application or proceeding is assigned is (703) 872-9306 for regular  
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

  
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